

SENATE BILL NO. 495

INTRODUCED BY B. STORY

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE IV, SECTION 8, OF THE MONTANA CONSTITUTION TO REVISE THE CALCULATION OF LIMITATIONS ON TERMS OF OFFICE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article IV, section 8, of The Constitution of the State of Montana is amended to read:

"Section 8. Limitation on terms of office. (1) The secretary of state or other authorized official shall not certify a candidate's nomination or election to, or print or cause to be printed on any ballot the name of a candidate for, one of the following offices if, at the end of the ~~current~~ term of that office for which the candidate is filing, the candidate will have served in that office or had he not resigned or been recalled would have served in that office:

(a) 8 or more years in ~~any~~ a 16-year period as governor, lieutenant governor, secretary of state, state auditor, attorney general, or superintendent of public instruction;

(b) 8 or more years in ~~any~~ a 16-year period as a state representative;

(c) 8 or more years in ~~any~~ a 16-year period as a state senator;

(d) 6 or more years in ~~any~~ a 12-year period as a member of the U.S. house of representatives; and

(e) 12 or more years in ~~any~~ a 24-year period as a member of the U.S. senate.

~~(2) When computing time served for purposes of subsection (1), the provisions of subsection (1) do not apply to time served in terms that end during or prior to January 1993.~~

(2) For calculating the time periods referred to in subsection (1), the years of the term of office for which the candidate is filing shall be used for calculation of the 16-year period and shall not be used for calculation of the 8-year period.

(3) Nothing contained herein shall preclude an otherwise qualified candidate from being certified as nominated or elected by virtue of write-in votes cast for said candidate."

NEW SECTION. **Section 2. Effective date.** This amendment is effective upon approval by the electorate.

NEW SECTION. **Section 3. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2010 by printing on the ballot the full title of this act and the following:

☐ FOR revising the calculation of limitations on terms of office.

☐ AGAINST revising the calculation of limitations on terms of office.

NEW SECTION. **Section 4. Severability.** If a part of this amendment is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this amendment is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

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